

## STANDING COMMITTEE

Vaduz, Liechtenstein

28 November 2023

## **TEXTS ADOPTED BY THE ASSEMBLY**

**Provisional versions**

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Recommendation  
2264





## Recommendation 2264 (2023)<sup>1</sup>

Provisional version

# Heritable genome editing in human beings

Parliamentary Assembly

1. In November 2018 it was announced that, as a result of unsanctioned work by a Chinese researcher, at least two twin girls had been born with modified genes with the aim of conferring on them immunity to the HIV/AIDS virus. The act was strongly criticised by ethicists and scientists worldwide due its premature nature and high risk of unwanted side effects. This led to renewed calls for a worldwide moratorium on establishing a pregnancy with germ line cells or human embryos having undergone intentional genome editing of their nuclear DNA.
2. The Parliamentary Assembly recalls its [Recommendation 2115 \(2017\)](#) “The use of new genetic technologies in human beings”, in which it pointed out that deliberate germ line editing in human beings would cross a line viewed as ethically inviolable. Indeed, the 1997 Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164, “Oviedo Convention”), binding on the 30 member States which have ratified it, posits in its Article 13 that “an intervention seeking to modify the human genome may only be undertaken for preventive, diagnostic or therapeutic purposes and only if its aim is not to introduce any modification in the genome of any descendants”.
3. The Council of Europe’s Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) assesses the ethical and legal challenges raised by emerging genome editing technologies regarding the Oviedo Convention. The Assembly commends the clarifications agreed by CDBIO in 2022, that Article 13 applies in the research as well as the clinical context, and that any intervention that seeks to modify the human genome may be carried out only for preventive, diagnostic or therapeutic purposes – and that gametes, embryos or their precursors that have been subject to such an intervention may not be used for the purposes of procreation.
4. There is a broad consensus in the scientific community that the current technology is not yet safe and effective enough to establish a pregnancy with germ line cells or human embryos having undergone intentional genome editing of their nuclear DNA, and no country explicitly permits it. In the last five years, there has, however, been a noticeable push by many scientists for a “translational pathway for heritable human genome editing” to be developed, namely the opening of clinical trials when certain minimum standards are met in the future.
5. The Council of Europe has a mandate that encompasses the promotion and protection of human rights of all individuals and is thus responsible for carefully weighing the human rights implications of heritable genome editing in human beings. The risks are serious and manifold, and cannot be ethically justified. For the Assembly, even if and when the technology is considered safe and effective enough, the ban on establishing a pregnancy with germ line cells, their precursors, or human embryos having undergone intentional genome editing of their nuclear DNA should thus be upheld.

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1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 28 November 2023 (see [Doc. 15855](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach).*



6. The Assembly thus recommends that the Committee of Ministers:
  - 6.1. urge member States which have not yet ratified the Oviedo Convention to do so without further delay;
  - 6.2. remind the States Parties to the Oviedo Convention of their obligation to give life to its Article 28 through the promotion of a broad and informed public debate on heritable genome editing in human beings; the protection of the human genome as the heritage of humanity, as well as future generations' human rights also need to be debated;
  - 6.3. call upon Council of Europe member States to embrace a clear and total prohibition of establishing a pregnancy with germ line cells, their precursors, or human embryos having undergone intentional genome editing of their nuclear DNA, by introducing legislation at the national level, and opposing permissive regulation at European and international level.

Resolution  
2523







**Resolution 2523 (2023)<sup>1</sup>**

Provisional version

## **Institutional racism of law enforcement authorities against Roma and Travellers**

Parliamentary Assembly

1. Over the past several decades, the case law of the European Court of Human Rights as well as the monitoring work of the European Commission against Racism and Intolerance (ECRI) and of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ETS No. 157) have brought to light serious breaches of human rights committed by members of the law enforcement authorities against Roma and Travellers throughout the member States of the Council of Europe.
2. Despite these repeated findings and the recommendations addressed to States to end the practices at issue and prevent similar cases from arising, police brutality is still too often committed against Roma and Travellers in Europe. It ranges from inhuman and degrading treatment to torture, from excessive use of force to violence resulting in some cases in the victim's death.
3. Violent raids and attacks against Roma villages and settlements and places where Travellers have halted continue to take place – sometimes committed by members of the law enforcement authorities themselves, sometimes by other members of the population without the law enforcement authorities intervening to protect the victims. Such violence, as well as ethnic profiling, harassment, marginalisation and provocation are part of daily life for too many Roma and Travellers on our continent and form part of their shared experience of law enforcement authorities.
4. Systematic stops of caravans and the criminalisation of begging or of the illegal occupation of land moreover punish persons who are already victims of discrimination and create conditions in which Roma and Travellers are brought into contact to a disproportionate degree with law enforcement authorities; at the same time, these measures increase their distrust of the authorities.
5. The Parliamentary Assembly deplores the fact that Roma and Travellers are thus very often subject to excessive surveillance, controls and even use of force by the members of law enforcement authorities, which violate their rights; yet the responses provided are often inadequate when these populations are victims of criminal offences, whether committed by public officials or by private individuals. All too often, when acts likely to constitute such offences are committed against Roma or Travellers, no effective investigation is carried out to help elucidate the facts, which is also a violation of their rights.
6. These human rights violations destroy the confidence of Roma and Travellers in law enforcement authorities, which should protect their safety and security as they do for all citizens. Discrimination in access to justice further worsens this situation and deprives the victims of abuse of adequate remedy.
7. This situation can be described as institutional racism, or systemic racism, of law enforcement authorities against Roma and Travellers. The Assembly underlines that these terms do not imply that every individual working within the institution in question is racist but refer to the discriminatory effects of the functioning of the institution as a whole, which are first and foremost the result of the policies and practices that it applies.

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1. *Text adopted by the Standing Committee, acting on behalf of the Assembly, on 28 November 2023 (see [Doc. 15856](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Mr Jean-Pierre Grin).*



8. The Assembly deplores this situation and underlines that States have a duty to prevent and combat these serious human rights violations. It notes that to do so, it is essential to have a thorough understanding of the structural shortcomings at issue, in order to find effective responses.

9. In this context, the Assembly refers to its [Resolution 2364 \(2021\)](#) “Ethnic profiling in Europe: a matter of great concern” and its [Resolution 2413 \(2021\)](#) “Discrimination against Roma and Travellers in the field of housing”, which already examined some of these concerns and recommended that States take a series of measures in order to address them.

10. The Assembly also draws member States’ attention to the recommendations set out by ECRI in this field, notably in the framework of its General Policy Recommendations No. 11 “Combating racism and racial discrimination in policing” and No. 13 “Combating antigypsyism and discrimination against Roma”. It further underlines that the priorities approved by the Committee of Ministers of the Council of Europe in its Strategic Action Plan for Roma and Traveller Inclusion (2020-2025) include combating antigypsyism and discrimination and supporting real and effective equality.

11. In the light of these considerations, the Assembly calls on Council of Europe member States,

11.1. as concerns the legislative framework, to:

11.1.1. ensure that criminal law provisions applicable to hate-motivated offences cover acts motivated by antigypsyism and anti-nomadism;

11.1.2. ensure that national antidiscrimination legislation applies to the actions of the members of law enforcement authorities and that acts of discrimination committed against Roma and Travellers are duly punished by law;

11.1.3. refrain from criminalising behaviour such as begging or the illegal occupation of land wherever other measures, notably administrative law measures, measures concerning the establishment of adequate halting sites or social policy measures would be better adapted to resolving the problems that lead to the behaviour in question;

11.2. as concerns the fight against impunity and the obligation to conduct an effective investigation, to:

11.2.1. offer rapid and effective remedies to victims of police violence, giving priority to simple, flexible and accessible procedures;

11.2.2. create independent investigative mechanisms, free from any political pressure, with sufficient resources and powers to effectively investigate complaints against members of law enforcement authorities and to punish offenders;

11.2.3. improve internal procedures for reporting misconduct within the law enforcement, in particular by adopting measures to protect whistleblowers;

11.2.4. protect victims against police intimidation, reprisals and harassment – all of which are encouraged by a sense of impunity – and provide for penalties for offenders that are commensurate with the seriousness of their actions and that are dissuasive;

11.2.5. support the activities of non-governmental organisations working to promote the access of Roma and Travellers to justice;

11.3. as regards preventing new, similar human rights violations, to:

11.3.1. introduce recruitment procedures aimed at promoting that the composition of the law enforcement authorities reflects the diversity of the population;

11.3.2. train all members of law enforcement authorities to apply methods that fully respect human rights in all circumstances; such training should also be provided at regular intervals;

11.4. as concerns strengthening mutual trust between Roma and Travellers, on the one hand, and law enforcement authorities, on the other, to:

11.4.1. give priority to policies and practices that avoid having recourse to law enforcement authorities;

11.4.2. provide a sufficient number of halting sites and other stopping places adapted to the needs of Travellers, and prioritise recourse to trained mediators rather than law enforcement officers when it comes to the reception of Travellers;

11.4.3. establish frameworks for dialogue and co-operation between law enforcement authorities and Roma and Travellers;

11.4.4. provide full support to Roma and Travellers who are victims or witnesses of misconduct committed by members of law enforcement agencies.

12. The Assembly encourages member States to strengthen the fight against antigypsyism and anti-nomadism by recognising these phenomena as forms of racism that must be covered by criminal and civil law provisions prohibiting racism and racial discrimination, and working together with Roma and Travellers to overcome stereotypes and prejudice within the wider community, as well as mutual mistrust.

13. The Assembly encourages member States to actively promote education about and awareness of Roma and Traveller history and culture as an integral part of the fight against antigypsyism and anti-nomadism.

14. The Assembly further invites national parliaments to support the No Hate Parliamentary Alliance, its mandate and its functioning.